

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VS.

CAUSE ACTION NO.: 1:02-CR-00093-DCB-JMR

JESSE M. SKINNER

DEFENDANT/PETITIONER

ORDER

Before the Court is Petitioner Jesse M. Skinner ("Skinner")'s Notice of Appeal [ECF No. 294] that acts in this instance as an implied motion for a Certificate of Appealability. See letter from Office of the Clerk, United States Fifth Circuit Court of Appeals [ECF No. 295]. For the reasons below, the implied motion is DENIED.

A Certificate of Appealability ("COA") should issue if a petitioner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of denial of a constitutional right, and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling. Slack v. McDaniel, 529 U.S. 473 (2000). Skinner has made no such showing of a denial of a constitutional right. Therefore, Skinner's implied motion will be DENIED.

The Fifth Circuit Court of Appeals may make a COA determination and consider whether Skinner has made a substantial showing of the denial of a constitutional right. Miller-El v. Cockrell, 537 U.S. 322, 342 (2003) ("The question is the debatability of the underlying constitutional claim, not the resolution of that debate."); see Houser v. Dretke, 395 F.3d 560, 562 (5th Cir. 2004) (denying the petitioner's request for a Certificate of Appealability, explaining that "if the district court pleadings, the record, and the COA application demonstrate that reasonable jurists could debate whether the petitioner has made a valid claim of a constitutional deprivation, a COA will issue. If those same materials make it clear that reasonable jurists could not debate whether the petitioner has made a valid claim of a constitutional deprivation, the COA will be denied.").

Accordingly,

IT IS HEREBY ORDERED that Petitioner Jesse M. Skinner's implied motion for a Certificate of Appealability (see Notice of Appeal, ECF No. 294) is DENIED.

SO ORDERED this the 25th day of September, 2020.

/s/ David Bramlette

UNITED STATES DISTRICT JUDGE